

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

DENNIS WAY)	
)	
)	
Plaintiff)	
)	
vs.)	Adversary Case No.: _____
)	
SLM Corporation,)	Polk County No. LACL101560
)	
Defendant)	
)	
)	
)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§1331,1441, and 1446 Defendant SLM Corporation (hereinafter "Sallie Mae") hereby removes this Petition for Damages and Jury Demand from the Iowa District Court for Polk County. In Support of Removal, Sallie Mae states as follows:

1. This action was filed on March 13, 2006 by Plaintiff Dennis Way ("Plaintiff") in the Iowa District Court for Polk County, where the case was assigned the number LACL101560.
2. Pursuant to 28 U.S.C. § 1331 this court has original jurisdiction over this case because the actions which gave rise to this lawsuit are based on Plaintiff's allegations that Defendant violated the Fair Credit Reporting Act in violation of 15 U.S.C.S. Section 1681.
3. 28 U.S.C. § 1331 states the United States district court "shall have original jurisdiction of all civil actions arising under the Constitution, laws or treaties of the

United States."

4. The Fair Credit Reporting Act under 15 U.S.C.S. Section 1681 is a law of the United States for purposes of 28 U.S.C. § 1331.
5. The Petition For Damages and Jury Demand contains four counts. Counts II-IV contain federal questions because they allege violations of the Fair Credit Reporting Act under 15 U.S.C.S. § 1681.
6. Count I, Defamation of Character, does not independently raise a federal question; however, 28 U.S.C. § 1441 allows the entire case to be removed based on the federal questions raised in Counts II-IV to allow the U.S. district court to determine all issues therein.
7. A copy of the Petition, Original Notice, Notice of Service and Service of Process served upon Sallie Mae by Plaintiff in this action is attached as "Exhibit A", "Exhibit B", "Exhibit C" and "Exhibit D" hereto. No other pleadings, orders or processes have been served upon Sallie Mae.
8. This Notice of Removal is timely under 28 U.S.C. § 1446(b), as it is made within 30 days after Sallie Mae received the Petition, postmarked March 29, 2006.
9. Sallie Mae is providing written notice of the filing of this Notice of Removal to the Clerk of the Iowa District Court for Polk County.

Accordingly, Sallie Mae, by and through its undersigned attorney, removes this action from the Iowa District Court for Polk County.

Dated: April 25, 2006

Respectfully submitted,

/s/ Michael P. Mallaney

Michael P. Mallaney, IS 9999814

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned certifies that on the 26th day of April, 2006, the foregoing instrument was served upon all parties to the above cause by depositing a copy thereof in the regular U.S. Mail, postage prepaid, to each of the attorneys or parties of record herein as set forth below:

/s/ Nicole Horak

Robert A. Wright, Jr.
Wright & Wright
400 Locust Street, Suite 358
Des Moines, IA 50309